



**Department
of State**

**2021 ANNUAL REPORT:
ADMINISTRATION OF THE HEARING AID DISPENSERS ACT**

***PURSUANT TO SUBDIVISION 7 OF SECTION 803 OF THE GENERAL
BUSINESS LAW***

**FOR SUBMISSION TO THE GOVERNOR, TEMPORARY PRESIDENT
OF THE SENATE, SPEAKER OF THE ASSEMBLY, MINORITY LEADER
OF THE SENATE, MINORITY LEADER OF THE ASSEMBLY, CHAIR
OF THE SENATE FINANCE COMMITTEE AND CHAIR OF THE
ASSEMBLY WAYS & MEANS COMMITTEE**

February 1, 2022

**Kathy Hochul
Governor**

**Robert J. Rodriguez
Acting Secretary of State**

INTRODUCTION

In compliance with subdivision 7 of section 803 of the General Business Law (the “GBL”), the Department of State (the “Department”) respectfully submits this report regarding its regulation of hearing aid dispensers. This report covers the period from January 1, 2021 through December 31, 2021.

COMPLIANCE WITH ARTICLE 37-A OF THE GENERAL BUSINESS LAW

A. Department of State

During the reporting period, and in accordance with Article 37-A of the General Business Law, the Department of State reviewed and processed license applications, reviewed and revised the hearing aid dispensing written examination, investigated consumer complaints, conducted audits for compliance with continuing education requirements, and developed and distributed educational information concerning the general use of hearing aids and assistive listening devices as well as consumers’ rights. In 2021, the Department issued 763 hearing aid dispenser licenses — 315 new and 448 renewals — and 341 hearing aid dispenser business licenses — 92 new and 249 renewals.

B. NYS Hearing Aid Dispensing Advisory Board

In accordance with Article 37-A of the General Business Law the NYS Hearing Aid Dispensing Advisory Board (the “Board”) convened public meetings and advised and made recommendations to the Department of State regarding consumer education on proposed federal regulations for over-the-counter hearing aids.

Hearing Aid Dispensers

Hearing aid dispensers and hearing aid dispensing businesses licensed by the NYS Department of State qualified for licensure by complying with the educational, experience and examination requirements set forth in Article 37-A of the General Business Law.

Hearing aid dispensers are required to comply with statutory continuing education requirements. During the reporting period, the Department of State conducted audits to ensure compliance with these requirements. Those who failed to complete the required continuing education were disciplined administratively by the Department of State.

ACTIONS TAKEN IN RESPONSE TO BOARD RECOMMENDATIONS

During 2021, the NYS Hearing Aid Dispensing Advisory Board made a recommendation to the Department of State to develop educational information relating to proposed federal regulations for over-the-counter hearing aids. The Department will form a subcommittee to develop consumer information once the federal regulations are adopted.

SUMMARY OF THE RESULTS OF COMPLIANCE EFFORTS

In 2021, the Department of State audited 108 hearing aid dispensers for compliance with continuing education requirements. Of those audited, 85 were found to be in compliance, 7 were not in compliance and 16 are pending review.

The Department of State also investigated complaints from consumers. During the reporting period, the Department received one (1) complaint. The complaint remains open pending investigation.

ANTICIPATED EFFORTS TO IMPROVE PUBLIC EDUCATION

The Department of State will continue to distribute updated educational brochures and business signs. These materials serve to inform and educate consumers about the benefits of various assisted listening technologies.

ANTICIPATED COMPLIANCE AND ENFORCEMENT EFFORTS

The Department of State will continue to conduct audits to ensure compliance with continuing education requirements. It will, similarly, continue to investigate consumer complaints alleging misconduct by licensed hearing aid dispensers and, when warranted, impose disciplinary sanctions against those found to have violated the statute and/or regulations.

RECOMMENDATIONS TO AMEND ARTICLE 37-A

None at this time.